

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LYNISHA REFF, *et al.*,

Case No. 2:19-cv-01358-KJD-EJY

Plaintiffs,

ORDER

V.

WERNER ENTERPRISES, INC., *et al.*,

Defendants.

13 Before the Court for consideration is the Report and Recommendation (#18) of
14 Magistrate Judge Elayna J. Youshah entered February 10, 2020, recommending: (1) that the stay
15 in this action be lifted; (2) that Defendant's Emergency Motion for Contempt (#1) be denied
16 without prejudice; (3) that Interested Party Medport LA, LLC's Counter motion to Quash or
17 Modify Subpoenas (#5) be granted such that Medport has no present duty to respond to pending
18 subpoenas, provided that Medport shall continue to preserve all documents sought through the
19 subpoenas prompting the Counter motion to Quash; (4) that the matter be closed, without
20 prejudice, based on the ongoing stay and administrative closure of the Louisiana Action; and (5)
21 that the parties' rights to object to the Court's August 12, 2019 Order (#7) denying the Motion
22 for Contempt or to Transfer Enforcement, granting in part and denying in part the Motion to
23 Compel, and granting in part and denying in part the Motion to Quash (#5), as summarized in the
24 Report and Recommendation (#18) of the Magistrate Judge, be preserved. Though the time for
25 doing so has passed, no party has filed objections to the Report and Recommendation.

26 The Court has conducted a de novo review of the record in this case in accordance with
27 28 U.S.C. § 636(b)(1) and LR IB 3-2. The Court determines that the Report and
28 Recommendation (#18) of the United States Magistrate Judge entered February 10, 2020, should

1 be **ADOPTED** and **AFFIRMED**.

2 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and
3 Recommendation (#18) entered February 10, 2020, are **ADOPTED** and **AFFIRMED**;

4 IT IS FURTHER ORDERED that the **STAY** in this action is lifted;

5 IT IS FURTHER ORDERED that Defendant's Emergency Motion for Contempt (#1) is
6 **DENIED without prejudice**;

7 IT IS FURTHER ORDERED that Medport LA, LLC's Countermotion to Quash or
8 Modify Subpoenas (#5) is **GRANTED** and that Medport shall continue to **PRESERVE** all
9 documents sought through the subpoenas;

10 IT IS FURTHER ORDERED that the Clerk of the Court close this action;

11 IT IS FURTHER ORDERED that the parties rights to object to Order (#7) are preserved
12 as summarized in the Report and Recommendation;

13 IT IS FINALLY ORDERED that upon the lifting of the stay of all proceedings in Case
14 No. 18-8350, issued by the U.S. District Court for the Eastern District of Louisiana, the parties
15 may: (a) initiate new proceedings in this Court; (b) refile any motion pending at the time this
16 matter is closed by adding a new caption page incorporating the previously filed motion; and (c)
17 similarly refile any pending Responses and Replies. Objections, if any, to the August 12, 2019
18 Order may be filed and shall be due within 30 days of the initiation of new proceedings in this
19 Court. In addition to electronic service through the Court's CM/ECF system, service of
20 documents and any reissued subpoenas are to occur through service on opposing counsel.
21 Personal service of reissued subpoenas shall not be required.

22 Dated this 27th day of February, 2020.

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Kent J. Dawson
United States District Judge